

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Douglas Ahle, Andrew Jordan and William
Wiseman, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

Veracity Research Co.,

Defendant.

Civil File 0:09-cv-00042-ADM-RLE

**DEFENDANT'S RULE 37
MOTION FOR SANCTIONS**

This Rule 37 Motion for Sanctions is a follow-up to defendant Veracity Research Co.'s (VRC) Motion to Compel Opt-In Plaintiffs' Depositions and Written Discovery (Doc. No. 202).

On March 10, 2010, VRC served all opt-in Plaintiffs with a First Set of Admissions, a First Request for Production of Documents, and a First Set of Interrogatories. On April 22, 2010, VRC served deposition notices for 27 opt-in Plaintiffs. Numerous opt-in Plaintiffs failed to respond to VRC's discovery requests, and as a result, VRC brought a Motion to Compel on May 27, 2010.

On June 25, 2010, this Court ordered 30 opt-in Plaintiffs to respond to VRC's repeated discovery requests, expressly warning that it may sanction these Plaintiffs with dismissal, should they fail to comply with the Order. The Court ordered the following 23 Plaintiffs to respond to VRC's written discovery by July 9, 2010:

Edward Arellano, Don Bates, Bennie Brewer, James Clayton, Mark Colbert, Kerri Dale, Joseph Dytrt, Chad England, James Jackson, Jason Lucas, Ryan Magee, Lisa Martinez, Thomas McDowell, Steven Neely, Christopher Reardon, Joseph Roden,

Bradley Schraer, Randy Sorrels, Jeffrey Stephens, Devon Stovall, Justin Weathers, Lionel Weber, and Larry Woodruff.

In addition, the Court ordered the following 10 Plaintiffs to appear for depositions by July 16, 2010:

Jacqueline Abrams, Edward Arellano, James Clayton, Mark Colbert, Anthony Garcia, Shari Graham, Ken Pearce, Jeffrey Stephens, Larry Woodruff and Paul Carson.

Eighteen of the 30 Plaintiffs ignored the Court's Order.

VRC now respectfully moves this Court pursuant to Fed. R. Civ. P. 37 and Minn. R. Civ. P. 37 for an order sanctioning the following 18 opt-ins with dismissal for refusing to comply with the Court's June 25, 2010 Order:

Bennie Brewer, Chad England, Jason Lucas, Lisa Martinez, Thomas McDowell, Christopher Reardon, Joseph Roden, Bradley Schraer, Randy Sorrels, Devon Stovall, Justin Weathers, Lionel Weber, Anthony Garcia, Ken Pearce, Paul Carson, Edward Arellano, James Clayton, & Mark Colbert.

VRC also requests that this Court award attorneys' fees and expenses incurred in connection with the 18 opt-ins' failure to participate in discovery.

This Motion is based upon the Memorandum of Law and other evidence and records to be submitted, together with all of the relevant files, records, and proceedings herein.

Dated: August 26, 2010

s/ Joseph M. Sokolowski

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